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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,904	07/21/2003	Kenneth E. Welker	14.0246-US	7670

28116 7590 02/22/2008

WESTERNGECO L.L.C.  
PO BOX 2469  
HOUSTON, TX 77252-2469

EXAMINER
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ART UNIT	PAPER NUMBER
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10623904	7/21/03	WELKER ET AL.	14.0246-US

WESTERNGECO L.L.C.  
PO BOX 2469  
HOUSTON, TX 77252-2469

**EXAMINER**

SCOTT A.. HUGHES

**ART UNIT****PAPER**

3663

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**Commissioner for Patents**

The Appeal Brief filed on 11/26/2007 is still defective for a reason set forth in the Notice of Non-Compliant Appeal Brief of 10/26/2007. In the Notice, the Appellant was informed that the brief does not contain a concise explanation of the subject matter defined in each of the independent claims referring to the specification by page and line number, and to the drawings, if any, by reference characters (See box 4 of Notice). In response to the Appellant submitted the Appeal Brief of 11/26/2007, which still does not present a concise explanation of the subject matter in the form required, specifically Appellant does not cite to the specification by page and line number (37 CFR 41.37(c)(1)(b)). Appellant merely provides citations to paragraph numbers and also paragraphs in the pre-grant publication (US20050018537). Because applicant refers both the paragraph numbers and to paragraphs in the pre-grant publication, it is unclear if all paragraphs cited are direct to the numbering in the pre-grant publication, or if some are to numbering in the specification and some to numbering in the pre-grant publication. The citations to the pre-grant publication are defective because applicant is required to cite to page and line number of the specification, not the paragraph numbering given in the pre-grant publication. These citations to the paragraphs in the pre-grant publication and to paragraphs in general are not citing to page and line number of the specification as required. Therefore, the Appeal Brief of 11/26/2007 is defective.

The Notice of Non-Compliant Appeal Brief of 8/7/07 set forth a one month time period for reply. That time period remains. Extensions of time are available (37 CFR 41.37(d)).

/Jack W. Keith/  
Supervisory Patent Examiner, Art Unit 3663

PTO-90C (Rev.04-03)